

REMEDICATION AND REDEVELOPMENT (RR) NEWS FROM WISCONSIN DNR
December 15 2000

SECOND BROWNFIELDS STUDY GROUP REPORT AVAILABLE

The 2000 Brownfields Study Group Report is now available. This 90-page report outlines more than 70 proposals for improving Wisconsin's brownfields initiative. The Study Group consisted of 30 individuals from six state agencies as well as individuals from local governments, businesses, environmental attorneys, consultants, environmental groups and academicians. Recommendations in the second report include changes to the state's brownfields funding, local government liability exemptions and voluntary party cleanup efforts. The Study Group was initially created by state legislators in 1998, and the group provided more than 75 brownfields recommendations in its first report, many of which were included in the 1999-01 State Biennial Budget. In 2000 legislators requested that the DNR again convene the Study Group to provide additional recommendations for the 2001-03 Budget. To check out the 2000 Study Group Report on-line, please visit the RR web site at www.dnr.state.wi.us/org/aw/rr, or contact Andrew Savagian, 608-261-6422, savaga@dnr.state.wi.us.

GIS SYSTEM & FEE REMINDER

Consultants and responsible persons (RPs) are reminded that DNR has proposed revisions to administrative rules that would create a geographic information system (GIS) of sites closed with groundwater contamination above standards. The proposed revisions are on our web site under the "Regulations" button. (See the June 30 item under "New Legislation and Regulations".) http://www.dnr.state.wi.us/org/aw/rr/wi_regs/index.htm Under these proposed revisions, RPs would be required to include specific location and contaminant information and a new \$250 fee with their closure request. DNR would then scan this information and link it to the GIS database on the internet. Lenders, realtors, purchasers, developers, consultants and the public could search the GIS by location to identify closed sites with contamination above the ES. Groundwater use restrictions would no longer have to be recorded with the deed. RPs that are requesting case closure with ES exceedences can provide DNR with information to populate the GIS system at this time on a voluntary basis, and allow their site to remain open until finalization of the rule allows closure without a deed restriction. The \$250 fee would be due after the rule is adopted (in addition to the standard \$750 fee for all DNR closures). RPs that are ready for closure and want closure under existing rules should submit their requests with the usual groundwater use restriction language and pay the standard \$750 closure request fee.

ACT 88 UPDATE

Wisconsin Act 88 became effective November 1, 2000 (see Nov. 16 "RR News from DNR") This law allows individuals to "opt out" from having their personal identifiers included on DNR lists provided to others that include 10 or more individuals. Under Act 88, the RR Program would have to review a list of contamination sites each time it is requested (or posted on the web) to ensure the removal of personal identifiers of anyone who has recently opted out. (Personal identifiers include names and addresses.) At the end of November, over 91,000 individuals had opted out from DNR lists. This volume of Act 88 opt-out requests makes it unfeasible to compare them with BRRTS (Bureau of Remediation and

Redevelopment Tracking System) data on a continual basis. Although BRRTS includes mostly businesses, and Act 88 applies to individuals, we have no simple way of sorting individual listings from the business listings. Therefore, in response to Act 88 we have removed data extracts from BRRTS that were previously on our web site, as well as some other publications that include lists of sites. BRRTS on the Web is still available because it does not include the names of individuals (e.g. responsible persons). However, we have found that some site names and site addresses in BRRTS on the Web incorporate personal information (e.g. a leaking fuel oil tank with this name and address: "Rutherford Hayes Residence, 101 Main St.") We will have to change site names and addresses such as this to something like "Residence on Main St.. DNR has suggested a change to Act 88 that would limit application of the law to licensees contained on the Automated License Issuance System (ALIS), i.e. hunting and fishing licenses and recreational vehicle licenses.

FEES FOR RESPONSE LETTERS

Under the "spills law" (s. 292, Wis. Stats.) all contamination must be reported to DNR, regardless of levels. When no further investigation is warranted because contaminant levels are not significant, DNR does not always respond to the submittal. Two common examples are petroleum tank site assessments that have low level GRO or DRO (and often few or no BTEX detects), and phase two environmental assessments showing only trace contaminants. Although DNR does not usually respond to this type of submittal, sometimes property owners request a response confirming that no additional work is needed. In these cases DNR fees are applicable, and DNR attorneys have clarified these fee levels. In cases where a response action has been taken (e.g. removal of a tank, piping, and dispenser), a no further action letter is the appropriate response and is available for a \$250 fee. In cases where some investigation but no response has occurred (e.g. a phase two environmental assessment) a reply from DNR falls under the category of general liability clarification and a \$500 fee is applicable.

NEW CHEMICAL INFO FROM DHFS ON THE WEB

The Bureau of Environmental Health at the Department of Health and Family Services (DHFS) now has their chemical factsheets on their web site at

http://www.dhfs.state.wi.us/dph_beh/Env_Health_Resources/index.htm

DHFS will add new and revised information periodically, so users can check their web site for updates. Comments or suggestions for additional resources or fact sheets that you would like to see on the DHFS web site may be directed to Eric Aakko at aakkoe@dhfs.state.wi.us

NATIONAL RISK MANAGEMENT LAB LISTSERVER

EPA's National Risk Management Research Laboratory (NRMRL) has established a listserver to announce publications, workshops, conferences and other lab activities. This should operate similarly to DNR's "RR News from DNR". To subscribe to NRMRL's listserver, send an email to: listserver@unixmail.rtp.epa.gov. Leave the subject line blank, and in the message area type: subscribe nrmrl. Immediately follow this with your first name and your last name, with one space between the words. (e.g: subscribe nrmrl Jesse James) Don't add any other text to your message, and remember to turn off your automatic signature feature if you use one. The NRMRL listserver will notify you whether or not you have successfully subscribed.

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